

**Chapter 5.66****POLICE-DIRECTED MOTOR VEHICLE TOWING SERVICE**

(Urg. Ord. 2445-7/80, 2789-9/85, 3269-1/95, 3330-6/96, 3395-8/98, 3481-1/01, 3503-10/01)

**Sections:**

- 5.66.010 Scope of chapter
- 5.66.020 Towing operation defined
- 5.66.030 Agreement required
- 5.66.035 Agreement - Terms and Conditions
- 5.66.170 Rates and charges--Signs--Change of
- 5.66.310 Violation--Penalty

**5.66.010 Scope of chapter.** The provisions of this chapter shall apply to all persons and businesses providing nonconsensual police-directed vehicle tow service which is directed by the Huntington Beach Police Department whether established before or after the effective date hereof. (Urg. Ord. 2445-7/80, 2789-9/85, 3330-6/96, 3481-1/01, 3503-10/01)

**5.66.020 Towing operation defined.**

- (a) As used in this Chapter, "towing operation" means the activity of towing and storing of vehicles, and the performance of other services incident thereto, for compensation within the city of Huntington Beach which is directed by the Huntington Beach Police Department without the consent of owner(s) of the vehicle at the direction of the Huntington Beach Police Department. Such towing shall include: (3330-6/96, 3481-1/01, 3503-10/01)
  - (1) Any official police impound garage and towing service, as designated the City Council or its designee. (3330-6/96, 3503-10/01)
  - (2) Any police directed tow, including but not limited to any tow from the scene of an accident, arrest, or issuance of a citation; (3330-6/96, 3481-1/01)
- (b) The provisions of this Chapter shall not apply to any towing operation: (3330-6/96, 3481-1/01, 3503-10/01)
  - (1) That provides tow service exclusively to members of an association, automobile club or similar organization, and receives remuneration only from the sponsoring association, automobile club or similar organization; (3330-6/96)
  - (2) That provides tow service without charge or fee for other vehicles owned or operated by the individual or organization furnishing tow service; (3330-6/96)
  - (3) That provides tow service for other vehicles owned or operated by the individual or organization furnishing the tow service, but which are being operated under terms of a rent or lease agreement or contract, and such towing is performed on a nonprofit basis or said fee is a part of the rent or lease agreement or contract; (3330-6/96)
  - (4) That provides exclusively consensual, nonemergency towing assignments which include towing of vehicles that have been involved in a collision, but have been removed from the scene; that have experienced mechanical failure, but have been removed from the roadway and no longer constitute a hazard; or that, being mechanically operative, are towed for convenience. All nonemergency towing assignments require authorization from the registered owner, legal owner, driver, or other person in control of such vehicle, and/or (Urg. Ord. 2445-7/80, 2789-9/85, 3330-6/96, 3481-01)

- (5) That provides tow service without the implied or express consent or knowledge of the owner(s) of the vehicle which is not directed by the Huntington Beach Police Department, including but not limited to towing initiated pursuant to California Vehicle Code Section 22658(a)[illegal parking on privated property] and Section 22953(b)[illegal parking within 15 feet of a fire hydrant, in a fire lane, or in a stall designated for disabled person parking] and any similar or successor statutes. (3481-1/01, 3503-10/01)

**5.66.030 Agreement required.** No person shall engage in, manage, conduct or operate a towing operation as an official police impound garage and towing service or perform a police-directed tow unless said person is either employed by or under an agreement with the City to provide said services. The City Council shall approve any such agreement or amendment thereto. (Urg. Ord. 2445-7/80, 2789-9/85, 3503-10/1)

**5.66.035 Agreement - Terms and Conditions.** The City shall select the persons or business(es) that provide police impound garage and towing services pursuant to an open bidding procedure. The selection procedure and standards shall provide at a minimum that: (3503-10/01)

- (a) No more than three persons or businesses entities shall be awarded agreements. (3503-10/01)
- (b) City shall use its best efforts to assign requests for towing services on the 15<sup>th</sup> and last day of the month on a rotating schedule. (3503-10/01)
- (c) The Tow Operator shall be required to respond to the location specified in a call for service within twenty (20) minutes after notification at least 95% of the time. (3503-10/01)
- (d) The Tow Operator shall maintain a tow storage yard within the City limits. (3503-10/01)
- (e) Tow Operator shall meet all insurance requirements as established by Resolution of the City Council, in addition to insurance requirements as set forth in the Agreement. (3503-10/01)
- (f) The Agreement will be for a term of no more than five years subject to an option for five additional years. (3503-10/01)

**5.66.170 Rates and charges--Signs--Change of.**

- (a) Rates and charges for all tows and vehicle storage shall be established by Resolution of the City Council of the City of Huntington Beach. Written notice of proposed changes shall be mailed to the affected tow services a minimum of forty-five (45) days prior to the date set for City Council approval by the Chief of Police or his designee. (3395-8/98, 3503-10/01)
- (b) No tow or storage fee charged shall be higher than the fees authorized by Resolution of the City Council. (3395-8/98, 3503-10/01)

**5.66.310 Violation--Penalty.** Any person violating any provision of this chapter shall be guilty of a MISDEMEANOR and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (Urg. Ord. 2445-7/80, 2789-9/85)